

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

United States District Court

DISTRICT OF DELAWARE

HABNAB TRANSPORTATION, INC.,
Plaintiff,

v.

THIRD PARTY SUMMONS IN A CIVIL ACTION

US TRANSPORTATION SERVICES, INC.,
US BULK TRANSPORT, INC. and/or
US BULK TRANSPORT IC., INC.
Defendants/
Counterclaim Plaintiffs,

Case Number: 05-375

v.

HAB NAB TRUCKING, INC., and
HNS BULK SERVICES, INC. f/k/a
HAB NAB SOUTH, INC.

TO: Hab Nab Trucking, Inc.
c/o Michael J. Hubbard, Registered Agent
Route #4, Box 75C
P.O. Box 420
Seaford, DE 19973

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)
Delia A. Clark, Esquire
Rawle & Henderson, LLP
300 Delaware Avenue, Suite 1015
Wilmington, DE 19801
(302) 778-1200

DEFENDANTS AND THIRD PARTY PLAINTIFF'S ATTORNEY
(name and address)
Denise Seastone Kraft, Esquire
Edwards & Angell, LLP
919 N. Market Street, Suite 1500
Wilmington, DE 19801
(302) 425-7106

an answer to the third-party complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of the Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

Bet Ann
(BY) DEPUTY CLERK

10-13-05

• AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me(I)	DATE 10/18/05
NAME OF SERVER (PJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <input type="checkbox"/> Name of person with whom the summons and complaint were left: _____ <input type="checkbox"/> Returned unexecuted: _____ _____ <input checked="" type="checkbox"/> Other (specify): SERVED : HAB NAB TRUCKING, INC IN SEAFORD, DE , COPIES THEREOF WERE ACCEPTED BY R. ZEB ZEBLEY _____ _____	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 10/18/05

Date

Signature of Server

BRANDYWINE PROCESS SERVERS, LTD.
 P.O. BOX 1360
 WILMINGTON, DE 19899-1360
 302- 475-2600

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.